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EXECUTIVE SECRETARIAT
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DATE: 8/20/75

STATINTL

TO: Mr.
FROM: Mr. Robert Carlstrom

Attached for your consideration
are Justice's comments on your
proposed reports on H.R. 61 and
S. 1428.

Please advise JJ

Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Lynn:

This is in response to your request for the views of the Department of Justice on the proposed report of the CIA on S. 1428, criminal justice privacy legislation.

In its report the CIA expresses concern that it might be covered by the definition of "criminal justice agency" in S. 1428 although this is not the intention of the legislation. It also expresses concern that the legislation would deprive it of access to necessary criminal justice information.

As the CIA notes, it was not the intent of the bill to affect that agency's foreign intelligence functions. If the language of the bill suggests that this is the case, the Department would have no objection to amending it. However, we do not believe that all of the amendments suggested in the CIA memorandum attached to the report are necessary or desirable.

CIA has proposed amending the definition of "criminal justice" to expressly exclude foreign intelligence collection. In our view, such an amendment would confuse rather than clarify the scope of the bill and is unnecessary to accomplish the objective sought. CIA also requests that section 204 be amended to add a new provision expressly authorizing agencies to provide criminal justice information to that agency. We have no objection to such a provision although we note that under the terms of the bill as now written,

this could be accomplished by Executive Order. Finally, CIA proposes to add a provision to section 103(b) expressly excluding information relating to foreign intelligence from the scope of the Act. We have no objection to this provision.

Subject to the above comments, we have no objection to the proposed report of the CIA.

Sincerely,

Michael M. Uhlmann
Assistant Attorney General
Office of Legislative Affairs